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EXAMINER

BACHMAN, LINDSEY MICHELE

ART UNIT

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3734

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

This Office Action is in response to Applicant's amendment filed 18 February 2009.

#### ***Response to Arguments***

Applicant's arguments filed 18 February 2009 have been fully considered but they are not persuasive.

Applicant argues that replacing the stent (28 or 36) and outer layer (22) of Gold'125 with the tape outer layer of stent (11 surrounding 14) of Banas'684 would not result in the claimed invention because the stent of tape of Banas'684 does not put the stent in direct contact with the inner member. While this statement is correct, it would be obvious to modify the outer tubular layers (stent and outer tube) of Gold'125 into a tape/strip form that is wound around an inner tubular member as taught by Banas'684 for the purpose of being able to control the placement of the stent structure on the inner body. This modification results in Applicant's invention.

Gold'125 shows that it is not novel to place a stent structure in direct contact with an inner tubular member and cover the resulting structure with an outer tubular member. Banas'684 shows that it is not novel to attach a stent structure to an inner tubular member with a tape member for the purpose of controlling and customizing the location of the stent structure on the inner tubular member (column 10, line 56 to column 11, line 18). In light of this teaching, it would be obvious to apply the teachings of Banas'684 to the Gold'125 device.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 15, 16 and 18-23 are under 35 U.S.C. 103(a) as obvious over Golds et al. (US Patent 6,001,125) in view of Banas et al. (6,264,684).**

Claim 15, 16, 18, 20: Golds'125 teaches a stent/graft that contains a continuous inner tubular body (24) and an outer layer of stent (28 or 36) in direct contact with the tubular inner body and an outer PTFE layer (22). This is shown in Figures 7 and 8. The support structure (28 or 36) is in direct contact with the inner tubular layer (see Figure 8). Golds'125 does not teach the formation of an assembly strip made of the stent and an outer PTFE layer.

Banas'684 teaches that it is known to create an assembly strip formed of a non-continuous PTFE tubular outer body (the outer portion of cladding 11) and a distensible support structure (14) that is non-continuously wound around a substantially continuous PTFE tubular inner body (12) (see Figure 1 or 4b). It would be obvious to one of ordinary skill in the art to modify the device taught by Golds'125 with an assembly strip, as taught by Banas'684 because the use of the strip allows the user to control the location of the placement of the distensible structure on the inner tubular body, allowing the user more latitude in controlling the amount of flexibility in the graft device.

Regarding Claims 21-23, Golds'125 shows that the support structure is applied to one side of the outer tubular member (see Figure 8). Further, Banas'684 also shows the

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distensible support structure is applied to at least one side of the tape strip (see Figure 2, for example).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSEY BACHMAN whose telephone number is (571)272-6208. The examiner can normally be reached on Monday to Thursday 7:30 am to 5 pm, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/L. B./  
Examiner, Art Unit 3734

/Todd E Manahan/  
Supervisory Patent Examiner, Art Unit 3734